

CHAPTER: IX FINANCIAL ELIGIBILITY	SECTION: 7 INCOME - SPONSOR CALCULATIONS	COMAR: 07.03.03.13, 07.03.03.15
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DEEMED INCOME CALCULATIONS – SPONSORS OF IMMIGRANTS

- A. A sponsor can be an individual, a public or private agency, or organization
- B. Prior to December 19, 1997, sponsors signed an agreement (the **I-134 Affidavit of Support** form) consenting to support the legal immigrant for 3 years after the date the immigrant entered the United States (the sponsor's income was deemed) unless:
 1. The sponsor could not be located
 2. The sponsor could no longer provide financial assistance
 3. The sponsoring organization no longer existed or was not able to support
- C. As of December 19, 1997, a sponsor must sign a legally binding agreement (the **I-864 Affidavit of Support form**) to financially support and maintain a legal immigrant at an income that is at least 125% of the federal poverty line. Immigrants sponsored on or after December 19, 1997 are still subject to the five year ban.
- D. Only the income of the sponsor who has signed an I-864 is subject to deeming.
- E. Deem all earned and unearned income of the sponsor and the sponsor's spouse (if they reside together) until:
 1. The immigrant becomes a United States citizen, or
 2. Earns 40 quarters of verifiable earnings, or
 3. Leaves the United States and gives up their Lawful Permanent Resident (LPR) status, or
 4. The sponsor or the legal immigrant dies
- F. Follow these procedures to determine the amount of income available to the legal immigrant:
 1. When calculating earned income, enter the gross income into CARES or if you are doing a manual calculation, do the following:
 - Multiply the weekly gross earnings by 4
 - Multiply the biweekly gross earnings by 2
 - Multiply the semi-monthly earnings by 2
 - a. Divide the result by 4.3
 - b. Then multiply by 4

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- Divide the monthly gross earnings by 4.3 and then multiply by 4, or
 - Divide the annual gross earnings by 52 and then multiply by 4 to establish a monthly amount
2. Unearned income
- Multiply the weekly unearned income by 4
 - Multiply the biweekly unearned income by 2
 - Multiply the semi-monthly unearned income by 2
 - Use the actual monthly unearned income as is, or
 - Divide the annual unearned income by 12 to establish a monthly amount
3. Apply these deductions to the earned income of the sponsor of a legal immigrant :
- 20% of the gross earnings or 50%, if self-employed (the cost to produce is included)
 - Out of pocket child care expenses of \$200 for full-time employment or \$100 for part-time employment
 - Verified child support payments to persons outside of the sponsor's family
 - Verified alimony payments to persons outside of the sponsor's family
 - Verified payments to persons outside of the sponsor's family who are claimed by the sponsor on the federal income tax
 - An amount equal to the payment standard for an assistance unit of the same size as the sponsor's family
 - The remaining amount of earned income is available to the legal immigrant's assistance unit
- G. Count all available resources of the sponsor and the sponsor's spouse towards the \$2000 resource limit
- H. If the sponsor is sponsoring more than one immigrant, the remaining amount of the sponsor's income must be divided equally among all of the legal immigrant assistance units
- I. Both the sponsor and the legal immigrant are jointly liable for any TCA overpayment because of the sponsor's failure to provide correct information

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- J. The sponsor agrees to reimburse any agencies providing means-tested benefits to the immigrant

EXAMPLES:

Example 1. Dr. and Mrs. Somerset are sponsoring Mr. Lysetti and his nephew, legal immigrants who entered the United States June 28, 1998. Dr. and Mrs. Somerset have a combined total gross annual income of \$127,000. They have 3 children. Mr. Lysetti applied for TCA for himself and nephew

- Mr. Lysetti is ineligible for TCA
- Since the Lysettis entered the United States after December 19, 1997, the Somersets are responsible for the support and maintenance of Mr. Lysetti and his nephew until they meet at least one of the conditions listed in #E above

Example 2. Mr. and Mrs. Howard are sponsoring Mr. Frederick and his son, legal immigrants who entered the United States October 27, 1997. Mr. Howard is employed and has a gross annual income of \$75,000. Mrs. Howard does not work. The couple have no children.

- $\$75,000 / 12 = \6250
 $\$6250 / 4.3 = \1453
 $\$1453 \times 4 = \5812 (Monthly gross earnings)
 $\$5812 \times 20\% = \1162
 $\$4287 =$ The amount that is available to Mr. Frederick and his nephew
- Mr. Frederick is ineligible for TCA
- The resource from Mr. and Mrs. Howard is greater than the TCA benefit grant amount of \$328 family size 2.

Example 3. Miss Kent is sponsoring Mrs. Washington and her daughter, legal immigrants who entered the United States on November 14, 1997. Miss Kent is self-employed and has a gross annual salary of \$9500 and \$1300 in residual payments. She does not have any children.

- $\$9500 / 52 = \$182 \times 4 = \$728 =$ Monthly gross earnings
 $\$728 \times 50\% = \364
 $\$768 - \$364 = \$404$

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$\$364 - 185 \text{ (TCA for a family size 1) } = \179

$\$179 =$ The remaining amount of earned income that is available to Mrs. Washington and her daughter

- $\$1300 / 52 = \$25 \times 4 = \$100 =$ Monthly unearned income
- $\$179 + \$100 = \$279 =$ The total amount of Miss Kent's income that is available to the Washington family
- $\$328 \text{ (TCA benefit grant amount for family size 2) } - \$279 =$
- $\$49 =$ TCA benefit grant amount available to Mrs. Washington

In January 2000, Mrs. Washington applies for TCA for herself and daughter. Her sponsor is no longer able to fully support her and her daughter. If she meets all eligibility factors, she will be eligible to receive state funded TCA benefits.

Example 4. Mr. Harford, who died on March 30, 1999, was the sponsor of Mrs. Calvert and her 2 daughters who entered the United States on January 15, 1998. Mrs. Calvert may be eligible to receive state funded TCA benefits because:

- She entered the United States after December 19, 1997, and
- Her sponsor died

Note: Ineligible immigrants include: visitors, tourists, students, diplomats, and persons admitted under color of law.

ADDITIONAL INFORMATION

- Assets
- Citizenship
- Refugee Assistance
- Earnings - Initial Needs